

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:



DOCKET NUMBER: 98-00504

COUNSEL: NONE

AUG 19 1998

HEARING DESIRED: NO

Applicant requests that his former spouse be authorized the issuance of a Military Identification Card, with all benefits and privileges. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit B). The advisory opinion was forwarded to the applicant for review and response (Exhibit C). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Douglas J. Heady, Mr. Joseph G. Diamond, and Mr. Henry Romo, Jr. considered this application on 11 Aug 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.

A handwritten signature in cursive script that reads "Douglas J. Heady".

DOUGLAS J. HEADY  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Advisory Opinion
- C. SAF/MIBR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

16 APR 1984

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPSFR  
550 C St. West, Suite 37  
Randolph AFB TX 78150-4739

SUBJECT: Application for Identification (ID) Card Benefits and Privileges for [REDACTED]

**1. Requested Action:** The applicant wants to know if she is eligible for identification (ID) identification card benefits and privileges as the former spouse of Master Sergeant [REDACTED]

**2. Facts:**

a. Master Sergeant [REDACTED] was placed on the Permanent Disability Retired List (PDRL) on 17 July 1967 with 19 years, 9 months, and 1 day active duty service. At the time of his retirement, the overlap of their marriage and his creditable service in determining eligibility to retired pay was 15 years, 8 months, and 14 days. The overlap period begins on the date of marriage and ends on Sergeant [REDACTED] last day of active duty. [REDACTED] met two requirements of the Uniformed Services Former Spouses' Protection Act. She had been married to Sergeant [REDACTED] for at least 20 years and completed at least 15 years but less than the 20 year requirement of overlap of marriage and the sponsor's creditable service for retired pay. However, she did not meet the third requirement of the Uniformed Services Former Spouse's Protection Act. The military sponsor must have completed at least 20 years creditable service for retired pay. All three requirements have to be met before a former spouse is eligible for ID card benefits and privileges. Therefore, [REDACTED] would not be eligible for ID card benefits and privileges as a former spouse.

b. Sergeant [REDACTED] military records would have to be adjusted so his dates would reflect that he had at least 20 years of creditable service for retired pay. However, his records are not in error. No authority exists to change his retirement date for the sole purpose of allowing his spouse eligibility to former spouse benefits and privileges. The law specifies that the military sponsor must have at least 20 years of creditable service in determining eligibility for retired pay.

3. **Recommendation.** No error or injustice **has** occurred. Sergeant [REDACTED] did not complete 20 years of creditable service in determining eligibility to retired pay. To **adjust** Sergeant [REDACTED] records would not be consistent with the intent of the law.

[REDACTED]

DAF  
Chief, DEERS/RAPIDS Operations Branch